

# EXHIBIT K

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November 24, 2014

Aloke Chakravarty  
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Assistant U.S. Attorneys  
United States Courthouse  
1 Courthouse Way, Suite 9200  
Boston, Massachusetts 02210

Re: United States v. Dzhokhar Tsarnaev  
Criminal No. 13-10200- GAO

Dear Counsel:

In regard to proposed expert testimony at trial, please provide the following:

**Erich Smith, Toolmarks**

1. The Laboratory Operations Manuals, Quality Assurance Manuals, and any other manuals containing standard operating procedures for the Firearms Toolmarks Unit generally and for the examination of toolmarks specifically.

**Andria Mehlretter, Paints, Polymers and Tapes**

2. A disclosure regarding whether Ms. Mehlretter compared any of the specimens examined to the FBI's National Forensic Tape File (NFTF); if so, please provide
  - a. the results and underlying reports documenting that comparison;
  - b. the Spectral Library Identification and Classification Explorer (SLICE) data connected to the NFTF reference tapes to which comparisons were made;
  - c. all other data and materials associated with the reference tapes.

3. The raw data underlying for the FT-IR charts, which should display wave numbers and transmittance, for all of the charts where Ms. Mehlretter declared a match or tape fragments from the Boston Marathon Scene to the rolls of tape seized from 410 Norfolk Street. For illustrative purposes, we have attached as Exhibit A a chart for the analysis of a suspected paint or polymer (in which transmittance and wave number data are plotted) and as Exhibit B a chart for the purported tape matches (in which they are not).
4. Studies supporting the validity of the methodology Ms. Mehlretter used to conclude that tape fragments found at the Boston Marathon Bombing sites matched specific rolls of tape found at 410 Norfolk Street or roll(s) manufactured in the same manner.
5. Studies supporting the validity of the methodology Ms. Mehlretter used to conclude that polymers found at the Boston Marathon Bombing sites were consistent with the caulk in the caulking gun (Q691) found at 410 Norfolk Street.
6. FBI Technical Reviews of the methodologies used by Ms. Mehlretter to support her conclusions that the tapes and silicones found at the Boston Marathon Bombing Scenes could be matched to the items found at 410 Norfolk Street.
7. FBI Technical Review, Quality Assurance Review, or Peer Review forms (*e.g.* FBI Laboratory Form 7-263) documenting independent reviews of Ms. Mehlretter's work in comparing the tapes and polymers in this case.

**Michael McFarlane, et al., Cryptographic and Electronic Analysis Unit (CEAU)**

8. An unredacted copy of the Embedded Engineering Program (EEP) Standard Operating Procedures (SOPs) for Forensic Examinations to replace the redacted version provided in DT-0076822.
9. The full name and CV of Steven LNU, who conducted the administrative review of Michael McFarlane's April 4, 2014 report of analysis and conclusions. (The administrative review may be found at DT-0076837.)
10. A copy of the CD containing photographs identified in Steven LNU's administrative review of McFarlane's work underlying the April 4, 2014 report (*see* DT-0076837). If there is a similar CD containing photographs of the work McFarlane did underlying the April 3, 2014 report, please provide a copy of that CD also.
11. Copies of the original photographs set forth in Figures 8 and 9 on page 8 of the CEAU's report titled "RCIED: FlySky FS-GT3B Transmitter, FlySky" (DT-

0076741), as well as reports documenting the origin of the photographs. (We note that the photographs appear to have been taken at or near the Laurel/Dexter scene and have not been previously provided; our November 7, 2014 discovery request for these materials remains outstanding.)

12. In regard to the conclusion, contained in “RCIED: FlySky FS-GT3B Transmitter, FlySky” (DT-0076741) at § 4.2.1 (page 27), that the binding code from the recovered transmitter matches the transmitter recovered from the Laurel/Dexter Scene, please provide
  - a. the procedures and protocols for extracting the binding codes from the EEPROM of the recovered and exemplar receivers,
  - b. the procedures and protocols for determining that the codes recovered were binding codes, and
  - c. Quality Assurance Manuals or studies validating that the procedures and protocols used yield accurate results.

We note that our October 9, 2014 specifically requested “[r]eports, memoranda, and bench notes regarding the binding codes,” including the specific procedures used to support the procedure; the “FlySky” report provided at DT-0076741 does not supply that information, making this renewed request necessary.

13. Our October 9, 2014 letter requested the docket numbers for the cases Mr. McFarlane had previously testified in, one in United States District Court for the Northern District of Illinois in February 2013, the two others in the Lake County, Ohio Common Pleas Court in October and November 2012. The information was promised in response to an October 30, 2014 email. We continue to await your response.

Please feel free to contact us with any questions you may have.

Sincerely,

*/s/ Timothy Watkins*

David I. Bruck

Judy Clarke

Miriam Conrad

William Fick

Timothy Watkins

Counsel for Dzhokhar Tsarnaev